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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,902	11/10/2006	Dirk Boonstra	0702-051498	1809
28389 7590 03/02/2010 THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219				
EXAMINER				
LARSON, JUSTIN MATTHEW				
ART UNIT		PAPER NUMBER		
3782				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/534,902

**Applicant(s)**

BOONSTRA, DIRK

**Examiner**

Justin M. Larson

**Art Unit**

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because Examiner believes that the comma in line 2 should be deleted so that the claim reads correctly. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 22-34 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter, a process that does not require a machine or a transformation. A process claim, to be statutory under 35 U.S.C. 101, must pass the machine-or-transformation text (M-or-T test), which ensures that the process is limited to a particular practical application. In accordance with the M-or-T test, the claimed process must: (1) be tied to a particular machine or apparatus (machine implemented); or (2) particularly transform a particular article to a different state or thing. The claims are clearly not directed to a process that is machine implemented and thus fail the first part of the M-or-T test. Regarding the second part of the test, a "transformation" of an article means that the article has changed to a different state or thing. Changing to a different state or thing usually means more than simply using an article or changing the location of an article. A new or different function or use can be evidence that an article has been changed. In the instant case, the claimed process does nothing more than recite the structural elements of a device. None of the claimed method steps actually transform an article to a different state or thing. Examiner is of the position that a mere

recitation of the structural elements of a device is not a method at all, certainly not a method for the manufacture of a device, as the preamble of claim 22 reads.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 20, 21, 27, and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims recite the device comprising a deformable element. The originally filed disclosure describes this deformable element (11) as a weakening in the wall of the anchoring means (see page 5) as shown in Figure 4. The originally filed disclosure states (see Page 5) that tightening and stretching of the cord will be relatively easy until the pin (5) touched the deformable elements (11). The originally filed disclosure also states (see Page 5) that when the cord is pulled, the end part (12), in which the pin (5) is located (see Figure 3), hits the anchoring means (7). If the end part (12) hits the anchoring means (7), it is not clear as to how the pin (5) will ever contact a weakening (11) that runs the length of the anchoring means (7) as shown in Figure 4. It is not clear how the device transitions from the position shown in Figure 3 to that shown in Figure 4, where Figure 4 shows the pin (5) inside of the anchoring means (7). Furthermore, it is simply not clear as to just how the deformable element itself is formed

within the anchoring means (7). One having ordinary skill in art would not be able to make and/or use the invention without undue experimentation.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 18, 19, and 24-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18 and 25 positively recite the anchoring means "mounted on" the first object or the second object. Claim 24 positively recites that the hook "is attached" to one of the supports of a headrest in a vehicle. It is unclear if these claims are intended to claim the combination of the device along with the first or second object or headrest support, or simply the subcombination device, where the above mentioned limitations are purely functional in nature. For the purpose of examination, these limitations are being treated as purely functional in nature as all the independent claims are directed to the subcombination device only.

Claims 19 and 26 both recite the limitation "substantially lower". The metes and bounds of this limitation are unclear such that it is impossible to determine what range of resilient stiffness falls within the scope of these claims.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 15, 17, 18, 22, 24, 25, 29, 30, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Goran (US 4,955,750 A).

Regarding claim 15, Goran discloses (see Figure 8) a device for detachably fixing a first object to a second object (where the claimed objects could really be anything), the device comprising a cord (120, "elastic", see col. 2 line 4), wherein the cord is connected, at at least one position (its end) to a fastening means (110) by means of at least one pin (nails within 104), further wherein the pin at least partially pierces the cord (see col. 4 lines 31-34).

Regarding claim 17, the fastening means (110) comprises a hook (114). The hook is capable of being attached to a headrest support as claimed.

Regarding claim 18, the hook can be considered an anchoring means as claimed. The hook/anchor is capable of being attached to a first or second object as claimed.

Regarding claims 22, 24, and 25, the claimed method steps merely recite structural elements disclosed by Goran as set forth above.

Regarding claims 29, 30, 32, and 33, the Goran device is capable of being used with a foldable car seat in a folded position and a vehicle.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goran as applied above.

The Goran device includes the claimed features except for the pin having a diameter of at most several millimeters. Goran is silent as to the specific size of the nails. It would have been an obvious matter of design choice to vary the size of the nails to any suitable size, including a diameter of at most several millimeters, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

12. Claims 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goran as applied above in view of Mc Coy (US 6,014,794 A).

The Goran device includes the claimed features except for the cord being reinforced at the position of connection to the fastening means by means of an extra wrapping or sheath. Goran teaches that the cord is elastic (col. 2 line 4) but does not teach an extra wrapping or sheath. Mc Coy, however, teaches that it was already known for an elastic cord to include a sheath (15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the Goran cord with a sheath, as taught by Mc Coy, the motivation being to protect the cord. Such a sheath is equivalent to the claimed reinforcement.

13. Claims 19, 20, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goran as applied above in view of Lummis (US 3,231,950 A).

Regarding claims 19 and 26, the Goran device includes the claimed features except for a resilient structure that works serially with the cord within a given range of tensile force, and the resilient stiffness of the resilient structure being substantially lower than the resilient stiffness of the cord. Lummis, however, teaches that it was already known for a cord (20) to have a resilient structure (14/26) attached to one end. The resilient structure acts as an anchor to secure the cord to an object (see Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the Goran cord with a resilient structure, as taught by Lummis, on the end of the cord opposite the hook, the motivation being to allow each cord end to be secured to an object via some form of anchor. There is no inventive step in merely choosing between known strap anchors. When added to the Goran cord, such a resilient structure would inherently work serially with the cord. Regarding the respective resilient stiffnesses, it would have been obvious to one having ordinary skill in the art at the time the invention was made to varied the resilient stiffness of the cord and the resilient structure until optimum resilient stiffnesses were acheived, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claims 20, 21, 27, and 28, the resilient structure of the modified Goran device as set forth above can be considered a deformable element as claimed. This deformable element would only deform when enough tensile force was applied to the elastic cord.



**Conclusion**

14. The art made of record and not relied upon is considered pertinent to applicant's disclosure. 20100011543 and 7540070 disclose the use of pins. 7637225, 20090267399, 20060103186, 6070939, and 5913570 disclose the use of straps to hold folded vehicle seats. 6712569, 6623224, 6065914, and 1528712 disclose resilient anchors.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571)272-8649. The examiner can normally be reached on Monday-Friday, 9a-5p (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin M Larson/  
Examiner, Art Unit 3782  
2/26/10